

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1388 – SB 2360

March 10, 2014

SUMMARY OF ORIGINAL BILL: Requires Tennessee law enforcement agencies (LEAs) to submit sexual assault evidence (“rape kits”) to the Tennessee Bureau of Investigation (TBI) within 10 business days of receipt. The TBI must analyze the rape kit within six months of receipt.

By July 1, 2015, each LEA shall provide the TBI with a written notice stating the number of rape kits in the custody of the LEA.

Within 180 days of the effective date of the legislation, arrangements shall be made between LEAs and the TBI to ensure that all rape kits that were collected prior to the effective date of the legislation and that are the subject of a criminal investigation are submitted to the TBI.

By January 1, 2016, the TBI shall submit to the Governor, the Attorney General, the District Attorney General, and both houses of the General Assembly a plan for analyzing rape kits submitted, which shall include a timeline for completion of analysis and a summary of the inventory received. The plan shall also include requests for any necessary funding and resources.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$10,432,200 /One-Time
\$2,113,900/Recurring

Other Fiscal Impact – The TBI must submit a plan for dealing with the rape kit backlog by January 1, 2016. The plan must include requests for necessary funding and resources needed by the TBI to complete analysis on the backlog. The estimated fiscal impact of the proposed legislation does not include any costs to TBI for completing the analysis of the backlog. The only costs included in the estimated fiscal impact related to the backlog is for necessary storage facility to house all rape kits that were collected by LEAs prior to the passage of the proposed legislation and are submitted to TBI as required by the bill.

SUMMARY OF AMENDMENT (013353): Authorizes a court to admit into evidence sexual assault evidence or results of any analysis of sexual assault evidence even if the evidence was not submitted to the TBI within 10 days of collection.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- TBI estimates that the statewide backlog is 20,000 rape kits. As a result, a new secure climate controlled storage facility will be necessary to house the backlogged rape kits.
- According to the TBI, storage facilities to house rape kits must be built as such facilities do not exist for rent or lease. TBI would need to build a 5,000 square foot facility to house 20,000 rape kits. According to the TBI, it would cost \$855,000 to build the necessary storage facility (5,000 square feet x \$171 per square foot, the national average for single-story office construction). This expense would be a one-time expenditure incurred in FY14-15.
- The bill will increase the yearly intake of rape kits by the TBI.
- Requiring LEAs to submit all rape kits within 10 days will increase the yearly intake of rape kits by the TBI. The TBI assumes that the submission requirement will double the current intake of approximately 2,831 kits. The TBI currently has 21 forensic scientist positions. To handle the increase in their current caseload, they will need to hire an additional 20 forensic scientists.
- A forensic scientist receives a salary of \$57,300. The recurring cost for one forensic scientist is \$71,911.47 [$\$57,300 + (\$57,300 \times 15.03\% \text{ benefits}) + \$5,999.28 \text{ insurance}$]. The recurring cost of 20 forensic scientists is \$1,438,229.40 ($\$71,911.47 \times 20$). Each forensic scientist also requires one-time expenditures of \$7,400. These include a firearm, badge, lab coat, office space, computer, and telephone. The total one-time increase in expenditures for 20 forensic scientists is \$148,000 ($\$7,400 \times 20$).
- The TBI would also need to hire three additional forensic technicians. A forensic technician receives a salary of \$36,276. The recurring cost for one forensic technician is \$47,727.56 [$\$36,276 + (\$36,276 \times 15.03\% \text{ benefits}) + \$5,999.28 \text{ insurance}$]. The recurring cost of three forensic technicians is \$143,182.68 ($\$47,727.56 \times 3$). Each forensic technician also requires one-time expenditures of \$4,915. These include a computer, software, office space, telephone, etc. The total one-time increase in expenditures for three forensic technicians is \$14,745 ($\$4,915 \times 3$).
- The TBI would also need to purchase seven new vehicles for the motor pool. These vehicles are used to transport the forensic scientists to and from court where they testify in court. Seven new vehicles will cost \$175,000 and will need to be replaced every five years. The annualized cost of the additional vehicles is \$35,000 ($\$175,000 / 5 \text{ years}$).
- The TBI will need to build additional lab space in east Tennessee, west Tennessee, and middle Tennessee. The TBI estimates that 4,000 square feet will be needed in east Tennessee and in west Tennessee. The TBI estimates that 8,000 square feet will be needed in middle Tennessee. The one-time cost to build the additional lab space will cost approximately \$7,264,000 ($16,000 \text{ square feet} \times \$454 \text{ per square foot}$).
- The new lab space will require additional lab equipment. The TBI estimates the lab equipment will cost \$2,150,475 one-time and require consumables and maintenance each year at a cost of \$497,525.

- The total increase in one-time expenditures is \$10,432,220 (\$855,000 + \$148,000 + \$14,745 + \$7,264,000 + \$2,150,475)
- The total increase in recurring expenditures is \$2,113,937 (\$1,438,229 + \$143,183 + \$35,000 + \$497,525).
- According to the local LEAs, the bill will not have a significant impact as most already submit rape kits upon receipt of the kit.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/trm